


ORDERED.

Dated: June 08, 2016



Karen S. Jennemann
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov

IN RE:

Cruz Elena Castillo
239 Timbercreek Pines Circle
Winter Garden, FL 34787

CASE NO.: 6:15-bk-09640-KSJ

Chapter 13

Debtors /

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED STATUS OF
DYCK O'NEAL, INC. AS ASSIGNEE OF FAIRWINDS CREDIT UNION
AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

(Doc. No. 35)

THIS CASE came on for consideration of the Debtor's Motion to Determine Secured Status of Dyck O'neal, Inc. as assignee Of Fairwinds Credit Union, and to Strip Lien Effective Upon Discharge (Doc. No. 35) (the "Motion") on March 21, 2016 pursuant to the negative notice provisions of Local Rule 2002-4. Having considered the Motion and the absence of any record objection to the relief requested in the Motion by any party in interest, the Court deems the Motion to be uncontested. If Dyck O'neal, Inc. as assignee Of Fairwinds Credit Union has not timely filed a proof of claim in this case, the Motion is not deemed to be an informal proof of claim except for the purpose of initiating the Debtor's ability to request relief pursuant to 11

U.S.C. § 506(a). The real property (the “Real Property”) that is the subject of the Motion is located at 239 Timbercreek Pines Cir., Winter Garden, FL 34787-2662, and is more particularly described as follows:

Parcel ID: 15-22-27-8665-00-310

LOT 31, TIMBERCREEK PINES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 56, PAGES 34 AND 35, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Accordingly, it is

ORDERED:

1. The Motion is **GRANTED**.
2. Dyck O’neal, Inc. as assignee Of Fairwinds Credit Union’s filed or to be filed shall be treated as an unsecured claim in this Chapter 13 case.
3. The lien on the Real Property held by Dyck O’neal, Inc. as assignee Of Fairwinds Credit Union recorded on 03/30/2012, at Book 10354, Pages 1517, Instrument No. 20120167236 of the official records of Orange County shall be deemed void, and shall be extinguished automatically, without further court order, upon the recordation in the public records of a certified copy of this Order together with (a) a certified copy of the Debtor’s Chapter 13 discharge order in this case or (b) such other paper as the Court may specify by separate order. However, the Court reserves jurisdiction to consider, if appropriate, the avoidance of Dyck O’neal, Inc. as assignee Of Fairwinds Credit Union’s lien prior to entry of the Debtor’s discharge.
4. This Order is only effective if this case is not dismissed; however, if this case is dismissed, this Order is null and void.
5. This Order does not prohibit Dyck O’neal, Inc. as assignee Of Fairwinds Credit Union, at any time prior to entry of the Debtor’s discharge, any rights it may have as a defendant in any foreclosure proceeding brought by a senior mortgagee, including the right to claim excess proceeds from any foreclosure sale.

Attorney Elayne M. Perez is directed to serve a copy of this order on interested parties and file a proof of service within three days of entry of the order.